

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/804,330	THOEN, GREGORY S.	
	<b>Examiner</b>	<b>Art Unit</b>	
	HO SHIU	2457	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/22/2010.
2. ☒ The allowed claim(s) is/are 1,2,4-14,16-26,28-36 and 64-83.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>10/28/2010</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                           |
|  | 9. <input type="checkbox"/> Other _____.   |

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457



### **DETAILED ACTION**

1. Status of the instant application:

Claims 1-2, 4-14, 16-26, 28-36, and 64-83 are pending in the instant application.

### ***Response to Arguments***

2. Applicants amendments and remarks and arguments filed 09/16/2010 have been fully considered, please see the office action below for details.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

4. Authorization for this examiner's amendment was given in a telephone interview with Gunnar G. Leinberg, Reg. # 35,584 on 09/16/2010.

5. The application has been amended as follows:

***In the claims***

6. Insert where underlined and delete where ~~striketrough~~ in claims 1, 3-4, 6, 13, 15-16, 18, 25, 27-28, 30, 74, and 81.

7. Claim 1. A system for providing content to a client system, the system comprising: an assessment system in a server that obtains from the client system ~~currently occurring~~ real-time content presentation environment information associated with the client system, wherein the content presentation environment information is based on a ~~current~~ real-time operating environment interrogation of the client system performed by an evaluation system in the server to obtain, from the client system, without requesting user input of the ~~currently occurring~~ real-time content presentation environment information at a time of a request for the content from the client system; and

a content processing system that selects one of a plurality of versions of the content to send the client system using the obtained content presentation environment information;

wherein the evaluation system performs the operating environment interrogation of the client system by determining two or more of a current content transfer rate for the client system, one or more types or versions of one or more Web browsers associated with the client system, one or more types or versions of one or more content presentation applications associated with the client system, and one or more types or

versions of one or more operating systems associated with the client system.

8. Claim 3. Cancel

9. Claim 4. After “The system as set forth in”, delete –claim 3--, insert –claim 1--.

10. Claim 6. After “The system as set forth in”, delete –claim 3--, insert –claim 1--.

11. Claim 13. A method for providing content to a client system, the method comprising:

determining from the client system ~~currently occurring~~ real-time content presentation environment information associated with the client system, wherein the currently occurring content presentation environment information is based on a ~~current~~ real-time operating environment interrogation of the client system performed by an evaluation system in a server to obtain, from the client system, without requesting user input of the ~~currently occurring~~ real-time content presentation environment information at a time of a request for the content from the client system; and  
selecting one of a plurality of versions of the content to send the client system using the obtained content presentation environment information;

wherein the obtaining content presentation environment information associated with the client system comprises performing the operating environment interrogation of the client system by determining two or more of a current content transfer rate for the

Art Unit: 2457

client system, one or more types or versions of one or more Web browsers associated with the client system, one or more types or versions of one or more content presentation applications associated with the client system, and one or more types or versions of one or more operating systems associated with the client system.

12. Claim 15. Cancel

13. Claim 16. After “The method as set forth in”, delete –claim 15--, insert –claim 13--.

14. Claim 18. After “The method as set forth in”, delete –claim 15--, insert –claim 13--.

15. Claim 25. A non-transitory computer-readable storage medium having stored thereon instructions for providing content to a client system, which when executed by at least one processor, causes the processor to perform:  
determining from the client system ~~currently occurring~~ real-time content presentation environment information associated with the client system, wherein the content presentation environment information is based on a ~~current~~ real-time operating environment interrogation of the client system performed by an evaluation system to obtain, from the client system, without requesting user input of the ~~currently occurring~~

Art Unit: 2457

real-time content presentation environment information at a time of a request for the content from the client system; and

selecting one of a plurality of versions of the content to send the client system using the obtained content presentation environment information;

wherein the obtaining content presentation environment information associated with the client system comprises performing the operating environment interrogation of the client system by determining two or more of a current content transfer rate for the client system, one or more types or versions of one or more Web browsers associated with the client system, one or more types or versions of one or more content presentation applications associated with the client system, and one or more types or versions of one or more operating systems associated with the client system.

16. Claim 27. Cancel

17. Claim 28. After "The medium as set forth in", delete –claim 27--, insert –claim 25--.

18. Claim 30. After "The medium as set forth in", delete –claim 27--, insert –claim 25--.

Art Unit: 2457

19. Claim 74. After "The method as set forth in", delete --claim 73--, insert --claim 72--.

20. Claim 81. After "The medium as set forth in", delete --claim 80--, insert --claim 79--.



***Allowable Subject Matter***

21. Claims 1-2, 4-14, 16-26, 28-36, and 64-83 are allowed.

22. The following is an examiner's statement of reasons for allowance: The closest prior art of record are Egli et al. (US Pub # 2003/0110234) and Sahai et al. (US Patent # 6,594,699). The cited prior art Egli disclose receiving requests from client devices for media documents or objects, identifies the client device requesting particular media objects from an HTTP request, determines the media output capabilities of the client device, reformats the source media according to those capabilities and delivers the reformatted media to the client device. Applicants arguments on 02/03/2010 state that Egli at best discloses a client capabilities module (CCM) couple to a local device capabilities data store and a CCM log. When a request for media content is received from the client device, the CCM polls the data store and not the client device, to search for and obtain previously stored information related to the client device in which is interrogating the client sysem performed by an evaluation system in a server.

Prior art Sahai teaches a server processor, coupled to the client processor over a packet-switched network, such as the Internet, receives client processor capabilities in association with a request for service for a multimedia type data transfer. The capabilities can be obtained by an application running on the client assessing the capabilities or through prompting of the user. Applicant's arguments on 09/16/2010 states and argues that this is not the same as a current operating environment

Art Unit: 2457

interrogation of the client system performed by an evaluating system in the server.

Applicants have also underlined section [0013] in the specification that the present invention is advantageous since operators do not need to download and install any additional software or update their existing video player to be able to seamlessly request, receive, and play the video.

Although Egli and Sahai teaches very similar inventions, Egli and Sahai singly or in combination, do not teach nor suggest in detail determining from the client system, wherein the content presentation environment information is based on a real-time operating environment interrogation of the client system performed by an evaluation system in a server to obtain, from the client system, without requesting user input of the real-time content presentation environment information at a time of a request for the content from the client system; wherein the obtaining content presentation environment information associated with the client system comprises performing the operating environment interrogation of the client system by determining two or more of a current content transfer rate for the client system, one or more types or versions of one or more Web browsers associated with the client system, one or more types or versions of one or more content presentation applications associated with the client system, and one or more types or versions of one or more operating systems associated with the client system.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance.”

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HO SHIU whose telephone number is (571)270-3810.

The examiner can normally be reached on Mon-Thur (8:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HTS  
10/28/2010

/Ho Ting Shiu/  
Examiner, Art Unit 2457

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457